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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/459,182 12/07/99 GAVELA VAZQUEZ

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PM82/0327

AIR MAIL

EXAMINER

GROSZ, A

ART UNIT

PAPER NUMBER

3628

DATE MAILED:

03/27/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

09/459,182

Applicant(s)

VASQUEZ

Examiner

Gron

Group Art Unit

3628

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 30 DAYS MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 1/8/01
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 2-13 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☒ Claim(s) 2-13 are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
  - ☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

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This application contains claims directed to the following patentably distinct species of the claimed invention: The species of Figures 1-6A, the species of Figures 6B, 7, 9B, D,E, F and the species of Figures 8A, 8B, 8C..

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 1 is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

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The specification must be carefully reviewed and amended to insure that all described elements are shown and identified in the Figures, and all shown and identified elements in the drawings are described in the specification. For example only, legs "L" (page 6, line 22) must be shown in Figure 6A, and elements 71a, 73, 74, 83, 84 of Figures 5A, 5B <sup>must be</sup> ~~are~~ described in the specification. M

Figure 3A is confusing. What are the upper and lower portions of the Figure?

Figures 6A, 6B are confusing. Further description is required.

The "cluttered" nature of the proposed drawing correction makes it hard to Examine the "corrected" drawings.

A new clean set of drawings, possibly formal drawing, are required.

In response to this action applicant is urged to identify each and every element of the claims, including dependent claims, with reference to the drawings, with numerals in parentheses. Such numerals will aid in more easily "following" the claims and will help in avoiding "mistakes" but will not in any way limit the scopes of the claims.

Diamondstein (note support slats 25, 27, 29, 31, 33; and cross slats 35, 37), Rupe (note support slat 106, cross slats 110), Liu (note Fig 1), Cooper (note Fig 2) and Dupont et al (note Fig 1, support slats 14 and cross slats supported thereon) are cited as very relevant art.

A telephone call was made to Mr Laubscher's office on 3/12/01 to request an oral election to the above restriction requirement, but did not result in an election being made.

Mr Laubscher's receptionist informed me that Mr Laubscher was on vacation.

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Any inquiry concerning this communication should be directed to Examiner A. Grosz at telephone number (703) 308-2498.

Grosz/ph

March 22, 2001



ALEXANDER GROSZ  
PRIMARY EXAMINER